

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

LESTER D. BLANTON II,

Defendant.

CASE NO. CR11-00018RSM

ORDER DENYING MOTION FOR
TIME SERVED

This matter comes before the Court on the *pro se* letter request from Defendant Lester D. Blanton asking that he “be allowed to have all of my time served granted to me.” Dkt. # 51. The United States responded to that request, Dkt. # 52. The Court, being otherwise fully advised, finds and rules as follows.

The Court denies the request for two reasons. First, this Court does not make determinations as to the calculation of determining credit for time served in custody. Instead, that authority has been delegated to the Bureau of Prisons. 18 U.S.C. § 3585; *United States v. Wilson*, 503 U.S. 329 (1992). To the extent that Mr. Blanton believes BOP has miscalculated his credit, he can challenge that calculation in Court pursuant to 28 U.S.C. § 2241. However, he can only bring such a challenge after he has exhausted all of his

1 available administrative remedies within BOP. 42 U.S.C. § 1997e(a). There has been no
2 showing that Mr. Blanton has done so.

3 Second, even if Mr. Blanton had exhausted his remedies within BOP, this Court is not
4 the proper venue for such a challenge. Instead, that action should be filed in the District in
5 which he is currently serving his sentence. According to the BOP inmate locator, Mr.
6 Blanton is currently held at Beaumont USP in Beaumont, Texas, which is located in the
7 Eastern District of Texas.

8 In short, Mr. Blanton has not shown that he has properly exhausted his remedies
9 within BOP regarding the calculation of his sentence, and even if he had, this Court is not the
10 proper venue for any challenge to that calculation. Accordingly, the motion is hereby
11 DENIED.

12 DATED this 22nd day of June, 2021.

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15 RICARDO S. MARTINEZ
16 CHIEF UNITED STATES DISTRICT JUDGE
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20 Presented by:

21 TESSA M. GORMAN
22 Acting United States Attorney

23 By: /s/ Vincent T. Lombardi
24 VINCENT T. LOMBARDI
25 Assistant United States Attorney
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